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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/056,336	01/24/2002	Joseph E. Rock	1727 SPRI	3158

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SPRINT COMMUNICATIONS COMPANY L.P.
6391 SPRINT PARKWAY
KSOPHT0101-Z2100
OVERLAND PARK, KS 66251-2100

EXAMINER	
NGUYEN, CAO H	

ART UNIT	PAPER NUMBER
2173	

DATE MAILED: 04/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/056,336	ROCK ET AL.	
	Examiner	Art Unit	
	Cao (Kevin) Nguyen	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 January 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24 and 26-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24 and 26-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bornstein (U.S. Patent No. 6,144,388) in view of Quintero et al. (US Patent No. 5,293,479) hereinafter Quintero.

Regarding claim 1 and 19, Bornstein teaches computer readable medium and a method in a computing environment for configuring images for display, the method comprising:

receiving a selection of a first component image, said first component image depicting a first component (i.e. picture of a person; col. 2, lines 53-55 and Fig. 1),

receiving a selection of a second component image, said second component image depicting a second component; wherein the first and second component images related to components (i.e. picture of glasses; col. 4, lines 12-14 and Fig. 2A);

and creating a configured image (i.e. Fig. 2B), said configured image including said first component and said second component. See col. 2, line 46– col. 3, line 20; however, Bornstein fails to explicitly teach positioning, on a coordinate system, said first component image and said second component image, wherein positioning comprises determining whether said first component image and said second component images are compatible.

Quintero discloses positioning, on a coordinate system, said first component image and said second component image; wherein positioning comprises determining whether said first component image and said second component images are compatible (see col. 12, lines 34-64). It would have been obvious to one of an ordinary skill in the art, having the teachings of Bornstein and Quintero before him at the time the invention was made, to modify positioning on a coordinate system, first component image and second component image to include the system of configuring for display image, as taught by Bornstein. One would have been motivated to make such a combination in order to display as many photo images associated with the file as possible in sizes that allow the user the to see and identify those photo images displayed on the display screen.

Regarding claims 2 and 20, said coordinate system of Bornstein is based upon an (X,Y) axis. See col. 3, line 16.

Regarding claims 3 and 21, said second image is overlaid on said first image in Bornstein. See Fig. 2B and col. 17, lines 5-17.

Regarding claims 4, 9, 13, 15, and 22, the first and second component images are photographs in Bornstein. See Fig. 4, 120, which shows that the input images may come from a digital camera.

Regarding claims 5 and 23, Bornstein teaches consulting a coordinate table to determine the coordinates of said first and second images. For example see col. 17, lines 40-50 and col. 19, line 34 – col. 20, line 30.

Referring to claims 6 and 24, Bornstein teaches consulting an image table to determine the component images necessary to make-up said configured image. For example, see col. 5, lines 11-39. Also, see col. 18, lines 1-17.

Referring to claim 7, Bornstein teaches a computer system having a processor (Fig. 3, 802), a memory (i.e. Fig. 3, 806) and an operating environment, the computer system operable to perform the steps recited in claim 1.

Claim 8 and 14 differ from claim 1 in that "automatically detecting and correcting incompatible component image selections; a coordinate component which determines positions of said selected component images on a coordinate system, said position is being defined by (X, Y) coordinates; and a displaying component which arranges said selected component images on an (X, Y)" which read on Quintero (see col. 9, lines 38-65). Quintero discloses automatically detecting and correcting incompatible component image selections to modify positioning on a coordinate system, first component image and second component image to include the system of configuring for display image, as taught by Bornstein. One would have been motivated to make such a combination in order to display as many photo images associated with the file as possible in sizes that allow the user the to see and identify those photo images displayed on the display screen.

Referring to claims 10-11 and 16-17, Bornstein teaches a computer readable medium, computer system with a processor, memory, and an operating environment, and a method in a computing environment for configuring product images for display, the method comprising:

receiving a selection of a configured product image (i.e. picture of a person wearing glasses; i.e. col. 1, lines 10-36);

consulting a first data table to determine which of a variety of component images comprise said configured product image. For example, see col. 5, lines 11-39. Also, see col. 18, lines 1-17.

Bornstein teaches consulting a second data table to determine the coordinates on an (X,Y) axis of each component image that comprises the configured product image. For example see col. 17, lines 40-50 and col. 19, line 34 – col. 20, line 30.

Bornstein discloses displaying the configured product image by placing each component image at its corresponding coordinates on said (X,Y) axis. See Fig. 2B and col. 2, line 46 – col. 3, line 20. Also, see Fig. 9B.

Claim 12, Bornstein teaches a computer system for displaying a configured graphical image, the computer system comprising:

a configuration component which determines which of a plurality of component images comprise the configured images; a compatibility component which generates notifications when component images of the configured graphical image conflict (i.e. col. 5, lines 11-39 and col. 18, lines 1-17); coordinate component which determines the positioning of said component images on a coordinate system, said positioning being defined by (X,Y) coordinates (i.e. col. 17, lines 40-50 and col. 19, line 34 – col. 20, line 30).

Regarding claim 18, Bornstein teaches a computer readable medium containing a data structure for storing location (i.e. coordinate) information on one or more component images of a configured product, wherein said data structure comprises:

a coordinate table, said coordinate table containing entries indicative of the (X,Y) coordinates for said component images, the coordinates specifying the positioning of the component images necessary to correctly make up the configured product. See col. 17, lines 40-50 and col. 19, line 34 – col. 20, line 30. It would have been obvious to one of an ordinary skill in the art at the time the invention was made to a coordinate table images as taught by Bornstein to the position images displaying of Quintero in order to display as many photo images associated with the file as possible in sizes that allow the user the to see and identify those photo images displayed on the display screen.

As claims 26-27 are analyzed as previously discussed with respected to claims 1-5 above.

Response to Arguments

Applicant's arguments filed on 01/23/05 have been fully considered but they are not persuasive.

Applicant's arguments with respect to claims 1, 8, 12, 14, 18 and 19 have been considered but are moot in view of the new ground(s) of rejection.

Accordingly, the claimed invention as represented in the claims does not represent a patentable distinction over the art of record.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see PTO-892).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cao (Kevin) Nguyen whose telephone number is (571)272-4053. The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571)272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cao (Kevin) Nguyen
Primary Examiner
Art Unit 2173

03/31/06